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FILED
AUG 06 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY [signature] DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Case No.: **08MJ8687**
v.	COMPLAINT FOR VIOLATION OF 21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony)
Miguel CUAMEA-Navarro Defendant.	**AMENDED**

The undersigned complainant being duly sworn states:

COUNT I

That on or about August 2, 2008, within the Southern District of California, defendant Miguel CUAMEA-Navarro did knowingly and intentionally import approximately 49.46 kilograms (108.81 pounds) of marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, sections 952 and 960.

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COUNT II

That on or about August 2, 2008, within the Southern District of California, defendant Miguel CUAMEA-Navarro did knowingly and intentionally import approximately 53.40 grams of methamphetamine a Schedule II Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Timothy Ballard
Special Agent
U.S. Immigration & Customs
Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 6TH DAY OF AUGUST 2008.

PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

UNITED STATES OF AMERICA

v.

Miguel CUAMEA-Navarro

STATEMENT OF FACTS

The Complaint and Statement of Facts is being amended to include 53.40 grams of methamphetamine found on August 3, 2008.

This Statement of Facts is based on the reports, documents, and notes furnished to US Immigration and Customs Enforcement (ICE) Special Agent (SA) Timothy Ballard.

On August 2, 2008 at approximately 1815 hours, Miguel CUAMEA-Navarro entered the United States at the Calexico, California, West Port of Entry. CUAMEA was the driver of a 1999 Jeep Grand Cherokee, bearing Baja California license plate BDB4336. The Customs and Border Protection (CBP) Officer inspected the vehicle on primary. CBP Officer Felix noticed that the vehicle's tires had been scratched and gouged in a way that seemed unusual to him. CBP Officer Felix referred CUAMEA to vehicle secondary for an intensive inspection.

In the vehicle secondary lot, a Canine inspection of the vehicle was performed. The canine alerted and responded to the right rear tire of the vehicle.

A subsequent inspection of the vehicle revealed 24 packages concealed inside the tires of the vehicle. One of the packages was probed, revealing a green, leafy substance, which subsequently field-tested positive for marijuana. The 24 packages had a combined net weight of approximately 49.46 kilograms (108.81 pounds).

CUAMEA was placed under arrest and advised of his Constitutional Rights, which he acknowledged and waived. CUAMEA stated that he was not the owner of the vehicle, but that he had borrowed it from a man, known only to him as "Genaro," on Sunday, July 27, 2008 in order to test it, as CUAMEA was considering purchasing the vehicle. CUAMEA stated that if he decided to purchase the vehicle, he would have to return to "Genaro" and pay him approximately $1,500 US. CUAMEA said that "Genaro," who he had only just met on July 27, 2008, did not know CUAMEA's address or phone number, but that "Genaro" had parted with the vehicle anyway. CUAMEA stated that he had been in sole custody of the vehicle since he received it from "Genaro" on July 27, 2008. SA Ballard asked CUAMEA if his wife, Maria Yolanda Flores, had been in contact with the Jeep Cherokee during the past week in which CUAMEA had been in custody of it. CUAMEA said that she had. On August 2, 2008, SA Ballard spoke with Maria Yolanda Flores after she arrived at the Calexico West Port of Entry. SA Ballard showed Mrs. Flores the Jeep Cherokee. She said she had never seen that vehicle before in her life.

CUAMEA was booked into the Imperial County Jail pending his initial appearance before a U.S. Magistrate Judge.

On August 3, 2008, Customs & Border Protection Officer M. Hernandez discovered one (1) package concealed in the center console of the 1999 Jeep Grand Cherokee. The package contained a white crystalline substance which field tested positive for methamphetamine. The package contained 53.40 grams of methamphetamine.